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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSEPH DOWNING,
Plaintiff(s),

v.

OSVALDO FUMO, et al.,
Defendant(s).

Case No. 2:23-cv-00419-ART-NJK

ORDER

[Docket No. 1]

Plaintiff, who is a detainee, has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to proceed *in forma pauperis*. Docket Nos. 1, 1-1.

Plaintiff did not file his application to proceed *in forma pauperis* on the form used for inmates. Moreover, Plaintiff's application to proceed *in forma pauperis* is incomplete. "When submitting an application to proceed *in forma pauperis*, an incarcerated or institutionalized person must simultaneously submit a certificate from the institution certifying the amount of funds currently held in the applicant's trust account at the institution and the net deposits in the applicant's account for the six months before the date of submission of the application." Local Special Rule 1-2. The applicant must also submit "a certified copy of the trust fund account statement." 28 U.S.C. § 1915(a)(2). Plaintiff did not submit this certificate or the certified account statement.

Accordingly, Plaintiff's application to proceed *in forma pauperis*, Docket No. 1, is **DENIED** without prejudice. No later than **April 21, 2023**, Plaintiff must either (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with complete financial attachments; or (2) pay the \$402 fee for filing a civil action. **FAILURE TO COMPLY WITH**

1 **THIS ORDER MAY RESULT IN A RECOMMENDATION THAT THE CASE BE**
2 **DISMISSED.**

3 The Clerk's Office is **INSTRUCTED** to mail Plaintiff the approved form application to
4 proceed *in forma pauperis* by a prisoner, as well as the document entitled information and
5 instructions for filing an *in forma pauperis* application.

6 IT IS SO ORDERED.

7 Dated: March 21, 2023

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Nancy J. Koppe
United States Magistrate Judge
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